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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,628	02/10/2004	June-Do Kim	P56926	9791

7590 11/17/2006
Robert E. Bushnell
Suite 300
1522 K Street, N.W.
Washington, DC 20005

EXAMINER

JACKSON, BLANE J

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/774,628	Applicant(s) KIM, JUNE-DO	
	Examiner Blane J. Jackson	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 7-23 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The amendment to the Disclosure filed 28 August 2006 has been received and placed of record in the file.

Response to Arguments

Applicant's arguments filed 28 August 2006 have been fully considered but they are not persuasive. Cannon teaches the amended broad claim elements.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite the limitation "the distance measurer". There is insufficient antecedent basis for this limitation in the claim. It is expected to read "the distance gauge" to be consistent with the amendment of claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Cannon et al. (US 2001/0029187).

As to claim 1, Cannon teaches an apparatus for processing a calling tone of a portable device in a wire/wireless telephone, said apparatus comprising:

A detector providing an indication of electric field strength of a ring receiving generation control signal when the ring receiving generation control signal is received from a fixed device after a ring signal is received (figure 1, paragraphs 0020-0022, wireless handset (109) detects the RSSI of a user initiated paging signal between the base station),

A distance gauge obtaining a representation of a distance to the fixed device by using the indication of the electric field strength provided by the detector (paragraph 0022, signal strength is correlated with the distance between the base and handset unit and paragraph 0025, handset (109) performs multiple measures of the RSSI as estimates of the distance between the base unit and handset),

A controller controlling generation of a melody sound for a received ring according to a comparison between the representation of the distance and a reference distance (paragraphs 0023, 0027 and 0028, adjusting the alerting signal level, volume, pitch, cadence or any combination based on the received signal strength/ estimated distance between the handset and fixed base station with respect to a measured value from a register).

As to claim 2, Cannon teaches the apparatus of claim 1 wherein the distance gauge includes a comparator for comparing the indication of the electric field strength detected by the detector means to a plurality of preset electric field strength values corresponding to distance values between the portable device and the fixed device (paragraph 0028-0030, handset measures strength of the particular signal with comparison to values in a register to adjust the alert).

As to claims 3 and 4, Cannon teaches the apparatus of claim 2 further comprising storage means for storing the preset electric field strength values and distance values corresponding to the electric field strength values (paragraphs 0026 and 0028, general use of a register to hold data for processor manipulation of the adjusting mechanism).

As to claim 5, Cannon teaches the apparatus of claim 1 further comprising display means for displaying a ring receiving message corresponding to a receiving message display control signal generated in the controller means regardless of the distance measured by the *distance gauge* (paragraphs 0018 and 0019, a display to indicate call activity is inherent to typical devices employed for the call function).

Allowable Subject Matter

Claims 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7-23 are allowed.

As to claim 7, the prior art made of record failed to teach an apparatus for processing a calling tone of a portable device in a wire/wireless telephone comprising a key input means for supplying a key input signal to select one of an automatic mode and a manual mode, and detector means for detecting electric field strength of a ring receiving generation control signal when the ring receiving generation control signal is received from a fixed device after the automatic mode is set by the key input unit means and a ring is received.

As to claims 13, 17, 18 and 20, the prior art made of record failed to teach an apparatus for processing a calling tone of a wire/wireless telephone wherein the portable device disables generation of the calling tone when the measured distance is less than a preset reference distance.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

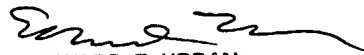
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Friday, 9:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BJJ


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